

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Robert Earl Morning,) Civil Action No.: 4:15-cv-03349-RBH
)
Plaintiff,)
)
v.) **ORDER**
)
Ken Carlisle Rogers, *in his*)
individual capacity,)
)
Defendant.)
_____)

This matter is before the Court for review of the Report and Recommendation (“R & R”) of United States Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). *See* ECF No. 111. The Magistrate Judge recommends granting Plaintiff’s motion for default judgment and entering judgment against Defendant Ken Carlisle Rogers (in his individual capacity) in the amount of \$35,000. *See* R & R at p. 10.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

No party has filed objections to the R & R, and the time for doing so has expired.¹ In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge’s recommendations. *See Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983).

¹ Objections were due by September 21, 2018. *See* R & R at p. 10.

The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’” (quoting Fed. R. Civ. P. 72 advisory committee’s note)).

Having thoroughly reviewed the record, the Court finds no clear error and therefore adopts and incorporates by reference the Magistrate Judge’s R & R [ECF No. 111]. Accordingly, the Court **GRANTS** Plaintiff’s motion for default judgment [ECF No. 98] and **DIRECTS** the Clerk to enter judgment against Defendant Ken Carlisle Rogers (in his individual capacity) in the amount of thirty-five thousand dollars (\$35,000).

IT IS SO ORDERED.

Florence, South Carolina
September 24, 2018

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge